

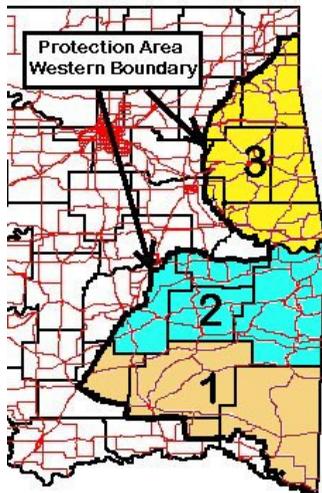
How do I know if I live in one of Forestry Services' Protection Areas?

Oklahoma's Forest Protection Area covers 6.2 million acres and generally lies east of the following boundary: In Ottawa County, at the Jct. of Hwy. 60 and the Arkansas State Line, go west then south along the east shoreline of Grand Lake, Lake Hudson and Fort Gibson Lake, to Jct. with Arkansas River at Muskogee. Go south and east along the river to the Haskell and LeFlore County line; south along county line to Hwy. 9; west along Hwy. 9 to Stigler; then northwest along the Missouri-Pacific railroad to the North Canadian River; then west along the river to Lake Eufaula. Go south along the east shoreline of Lake Eufaula to Hwy. 31; south along Hwy. 31 to the Jct. with Hwy. 69; and south along Hwy. 69 to Atoka. From Atoka, go east along Hwy. 3 to the Pushmataha County line; south along the county line to the Choctaw County line; east along the county line to Kiamichi River / Hugo Lake; south along the east shoreline of Hugo Lake to Hwy. 70; east along Hwy. 70 to Valliant. From Valliant, go northeast along old Hwy. 98 (now a county road) to Little River; southeast along the north shore of Little River to where the section line between Sections 19 and 20, Township 7 South - Range 24 East crosses Little River north of Idabel; south along this section line to the southwest corner of Section 20, Township 7 South - Range 24 East; follow section line one mile east and then south along section lines 12 miles to the Red River.

To Obtain A Burning Authorization

Call the Toll Free Number listed for your area.

- 1 Southeast Area
1-800-299-2468
- 2 East Central Area
1-800-375-2056
- 3 Northeast Area
1-800-299-3473



WHERE TO GET HELP

Forestry Services Division
Oklahoma Department of
Agriculture, Food and Forestry

405-522-6158

www.forestry.ok.gov

Other Sources of Assistance:



Oklahoma Cooperative
Extension Service
(www.countyext.okstate.edu)



(www.ok.nrcs.usda.gov)

Local Conservation District Office
(www.okcc.state.ok.us)

CAUTION

Fire is a powerful management tool, that takes training and experience to master. People using fire can incur significant liability for damages done to others when the burn goes wrong. The Oklahoma Forestry Services strongly recommends that inexperienced burners obtain the services of a trained and experienced professional.

Forestry Services recommends you always contact your local fire department prior to burning.

A simple phone call can save them an unnecessary run and save you money.

Forestry Services Division

Oklahoma Department of Agriculture,
Food and Forestry
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Oklahoma City, OK 73152

Phone: 405-522-6158
Fax: 405-522-4583



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12/29/09



Burning Within The Law



Our Mission is to Conserve, Enhance and Protect the Forest Resources of Oklahoma for Present and Future Generations

www.forestry.ok.gov

Why all the concern about burning?

Oklahoma's ecosystems are nearly all fire-dependent. Fire helped shape the plant communities that we depend on for grazing, hay, wildlife, wood products and water quality. Native Americans long used fire to manage their environment and food sources. When properly used, fire can be a powerful land management tool. Improperly applied, fire can be a devastating force, destroying property and sometimes lives.



Burning can reduce hazardous fuels.

Forestry Services promotes the responsible use of lawful, controlled or prescribed fire to manage wildlands.

To lawfully burn land cover:

#1 You must be legally entitled to burn the property as an owner, authorized tenant or agent of the owner/authorized tenant.

Statutory Reference: O.S. Title 2 § 16-25

#2 You must provide adequate firelines, sufficient manpower and firefighting equipment to contain your fires to the property you are authorized to burn and stay with the fire until it is extinguished.

#3 In the protection areas of eastern Oklahoma, (generally east of Highway 69), you must also obtain approval from the Forestry Division at least four hours prior to burning.

Statutory Reference: O.S. Title 2 § 16-28

What about Burning Bans?

The Governor of Oklahoma may proclaim a ban on burning whenever there is an extraordinary danger from wild-fire due to extreme drought conditions. Under a Governor's Burning Ban the burning of land cover and brush piles is generally prohibited. It is a misdemeanor to violate the Governor's Burning Ban, punishable by a fine of up to \$500.00 and/or up to 1 year of imprisonment.

Statutory Reference: O.S. Title 2 § 16-26

What does a Red Flag Warning mean?

Red Flag Warnings are issued whenever extreme burning conditions develop or are forecasted to develop. A Red Flag Warning means that a prescribed burn may need to be have additional precautions taken to prevent the fire from escaping or be postponed. A Red Flag Warning is not a Burning Ban, although many local jurisdictions will revoke or stop issuing permits under a Red Flag Warning.

What is the difference between a "Controlled Burn" and a "Prescribed Burn?"

In Oklahoma, a controlled burn is any legally conducted burning of land cover. A prescribed burn is a legally defined controlled burn conducted under specified conditions and following the process described in **O.S. Title 2 § 16-28.1** for reduced liability.

Statutory Reference: O.S. Title 2 § 16-2



What is a Limited Liability Prescribed Burn?

A limited liability prescribed burn is a controlled burn conducted according to the process described in O.S. Title 2 § 16-28.2. This process requires that a burner:

A: Conduct their burn in a lawful manner, as described in O.S. Title 2 § 16-28.

B: Notify all adjoining landowners within 60 days prior to conducting the burn, either orally or in writing. In the case where the property being burned is part of a large consolidated ownership, only those landowners adjoining the property within one mile of the proposed burn need to be notified.

C: Complete a notification plan available from Oklahoma Forestry Services. This plan must be filed with the fire department nearest the land to be burned. If the land is in Forestry's organized protection area, a copy must also be provided to the local Forestry Division office or representative.

D: Contact the Fire Department receiving the notification plan (and Forestry Services office, if the property being burned is in the OFS organized protection area.) within 48 hours of conducting the prescribed burn.

This section of the law limits damages in the event of an escaped fire to actual damages, except when the burn is found to have been conducted in a grossly negligent manner.

Statutory Reference: O.S. Title 2 § 16-28.1

What about liability for the cost of suppressing an escaped fire?

Oklahoma Forestry Services can charge for the reasonable costs of suppressing an illegal escaped controlled or prescribed burn.

Statutory Reference: O.S. Title 2 § 16-32

What about smoke?

Smoke and air quality are regulated by the Oklahoma Department of Environmental Quality through Administrative Rules. The rule for open burning is located in Oklahoma's Administrative Code at Section 252:100-13.

According to Administrative Rule 252:100-13-7 (4):

- (4) **Land management and land clearing operations.** Open burning is allowed for the following land management and land clearing operations.
 - (A) Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma State Department of Agriculture, and the United States Forest Service.
 - (B) Fires purposely set for land clearing operations if conducted at least 500 feet upwind of any occupied residence other than those located on the property on which the burning is conducted, except that such burning must be conducted in open-pit incinerators in counties or areas that are or have been designated non-attainment.

According to 252:100-13-9:

The open burning of refuse and other combustible material may be conducted only if the following conditions and requirements are met:

- (1) No public nuisance is or will be created.
- (2) The burning is controlled so that a visibility hazard is not created on any roadway, rail track or air field as a result of the air contaminants being emitted.
- (3) The burning is conducted so that the contaminants do not adversely affect the ambient air quality of a city or town.
- (4) The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits. This requirement does not apply to the open burning allowed under 252:100-13-7(2), (3), (4)(A) and (6)(B).

For more information on smoke management regulations contact the Oklahoma Department of Environmental Quality at: 1-800-869-1400, or view their rules on-line at:

www.deq.state.ok.us/rules/100.pdf